

Drainage Board

December 3, 2007 – 11:20 am

Meeting called to order by President Logsdon. Members Logsdon, Rininger, Gogel, and Surveyor Sublett were present. Attorney Robinson was absent.

Minutes

11/05/2007 minutes. Rininger made a motion to approve. Gogel seconded. All in favor.

Bid Opening – Big Sandy Phase 1

Surveyor Sublett opened and read the bids as follows:

K & K Dirtworks	\$4,500.
D-Lite Excavation	\$18,750.
Herron Excavating	no bid, due to water being too high
Heichelbech Excavating	no bid, due to short notice and water too high

Logsdon questioned the contractors present regarding the specs. The contractors requested two weeks with the specs before the bid is due. Sublett stated that he cannot always give two weeks because of the other work he has to do. Logsdon stated that if two weeks cannot be given then the bid should be tabled to give all contractors two weeks. Sublett recommended accepting the bid by K & K Dirtworks. Gogel made a motion to accept the bid from K & K Dirt Works with work to begin as weather permits. Rininger seconded. All in favor. Sublett stated that he will send off for the permits and they will cost \$200. Rininger made a motion to pay the \$200 for permits out of the money approved for the drain project. Gogel seconded. All in favor.

Strobel Property

Sublett stated that he has sent off the 368 review for approval of the work needed near the Strobel property in Carter Township.

Tower Drain

Sublett stated that Doug Knepper of K & K is voluntarily replanting pine tree saplings to replace the large pine tree that had to be removed because they were in the right-of-way along Tower Drain. Sublett said that the owner is not happy with saplings. Logsdon stated that the trees should have never been planted in the right-of-way.

Beren & Sergesketter / New 231 Relocation of Drain

Betty Beren and Cheryl Sergesketter came before the board regarding the unnamed tributary of Little Pigeon Creek which runs across their property. The state purchased part of their property and an easement across

the remaining part. In the easement the state relocated the unnamed tributary. Beren stated that they are unclear of what their rights are. All of the papers they received from the state say that it is a legal drain, but the county says it is not. The relocated drain is much larger then the original and cuts off access to part of her property. Sergesketter stated that at one point the drain is 100 feet wide.

Beren asked if it was a legal drain, and if so, will they be assessed for it. If it is not a legal drain, they need to know if they can alter it. Logsdon stated that the board attorney was unable to attend, but sent a letter with his opinion. Robinson wrote that the drain appears to be a mutual or private drain which is a tributary of Little Pigeon Creek, which is a legal drain. The State of Indiana filed a condemnation suit against the Berens and moved, relocated and constructed a new drain to replace the existing drain. The State of Indiana failed to join “The Spencer County Drainage Board” as a party in the suit. According to the Agreed Finding and Judgment, the Berens agreed to the new easement. In the event that the engineering and construction of this project was faulty, the Berens need to seek legal redress against the State of Indiana, its engineers and contractors.

Logsdon stated that according to papers Beren received, the state is the only one responsible for maintenance of the drain. Beren should have her attorney contact the state before they do any work on the drain or put in a culvert.

Beren also stated that there were root wads taken out of the old drain and put in the banks of the new drain. She was told that the county had to have given them permission to do this. Logsdon stated that the county could not give them permission, because DNR has told the county it cannot be done. Logsdon directed them to contact Trish Dugas at Soil and Water if they have questions about DNR and what alterations might be allowed.

Rininger made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 11:59 am.

Drainage Board,

_____	_____
President	
Attest:	
_____	_____
Cindy Shelton, Auditor	

---

---